02-6-04

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

H. Downman McCarty, Jr.
   and Brooke Schumm III :

Appl. No.   10/625,149   :   Examiner: Not yet known

Filed: July 23, 2003

                      :   Group Art Unit 3724

For: AN ANTI-SPALLING COMBINATION ON AN IMPACT TOOL
WITH AN IMPROVED HOLDING SYSTEM

Honorable Commissioner
    of Patents and Trademarks
Washington, D.C. 20231

CONTINUATION AND PRIORITY DATA

    Continuation in part of PCT/US02/23448 and entry into the national stage of PCT/US02/23448, continuation in part of U.S. provisional applications 60/307,198 filed on July 23, 2001, and 60/356,804 filed on February 13, 2002

PRELIMINARY AMENDMENT

    Please find enclosed a preliminary amendment to Claim 45 clarifying the comparison referenced in the claim. After the words in the closing paragraph of claim 45 "compared to cutting effectiveness", the words "--of a chisel with a standard 65-70 degree included angle- -" should be inserted followed by the remainder of the sentence. The phrase now reads: "compared to cutting effectiveness of a chisel with a standard 65-70 degree included angle without said shaped polymeric material disposed adjacent ....[added language underlined]" The object of the comparison was accidentally omitted.

    A clean optically scannable copy of all claims and redline of all claims (with only claim 45 amended) are enclosed.

Dated: 2/4/2004

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CERTIFICATE OF SERVICE BY EXPRESS MAIL

I certify that I caused the above Preliminary Amendment and a postcard to be sent this _4th_ day of February, 2004 by Express Mail Number _EF 227265449_ US with sufficient postage addressed to the Assistant Commissioner of Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date _2/4/2004_

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